

Docket: 990082  
Application Number: 09/771,210  
Amendment Dated: 05/04/06

2

### REMARKS

Applicant filed a request for continued examination (RCE) under 37 CFR 1.114, with the required fee, in conjunction with an amendment after final filed on December 8, 2004.

Applicant does not feel that the amendment, and associated arguments, filed on December 8, 2004 have been given the consideration due under the rule. Applicant made amendments, which were indicated to allegedly "raise new issues that would require further consideration and search" in the Advisory Action mailed December 29, 2004. However, the rejections of Claims 1-9, 11, 22-29, and 31-32 under 35 U.S.C. 103(a) in the Action mailed November 4, 2005 are identical to those presented in the Action mailed June 24, 2004. Furthermore, the Action mailed November 4, 2005 states on page 19 in the Response to Arguments section that Applicant's arguments with regard to claims 1, 22, 31, and 32 had been "considered but are moot in view of the new ground(s) of rejection." However, considering that amendments had been made, and the rejections are identical, Applicant submits that there are no new grounds of rejection and Applicant's amendment has not been given the consideration due under 37 CFR 1.114.

Specifically, those arguments and amendments pertain to the fact that, as admitted in both Actions, Sharma et al. (U.S. Patent No. 6,069,871, hereinafter "Sharma") "fail to clearly specify wherein the third means including determining which mobile stations in the wireless communications network are not currently undergoing handoff by determining whether the round trip delays (RTD) of the mobile stations are less than a configurable threshold" and the reference cited to account for this deficiency, Bassirat (U.S. Patent No. 6,122,513), does not describe the amended limitation of "determining whether the round trip delays (RTD) of the mobile stations are more than a configurable threshold  $\tau_{dir}$ , and initiating handoff in at least one mobile that is not currently undergoing handoff" (emphasis added). Bassirat clearly describes only handing off mobiles that have an RTD greater than a configurable threshold  $\tau_{dir}$  (with no description of how  $\tau_{rep-set}$  is determined) which is opposite to the recited limitation of handing off mobile(s) with an RTD value less than a configurable threshold.

Docket: 990082

3

Application Number: 09/771,210

Amendment Dated: 05/04/06

Based on the above, Applicant submits that the amendments and argument presented in the amendment of December 8, 2004, which were entered in response to the RCE and fees paid, were not properly considered and Applicant requests allowance of the claims or another non-final Action with new grounds of rejection to properly give Applicant a chance to respond to any new grounds for rejection.

Docket: 990082  
Application Number: 09/771,210  
Amendment Dated: 05/04/06

4

### CONCLUSION


In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 5/4/06

By:

  
Kenyon Jenckes, Reg. No. 41,873  
858-65168149

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502